(8)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION NO. 3710 **OF 2004.**

P.R. No. 3706/04
Presented by Shri Vinay Verma
dated 05/11/04

PETITIONER : South Eastern Coalfields Ltd through its General Manager, South Eastern Coalfields Ltd, Raigarh area, District : Raigarh (C.G.).

VERSUS

RESPONDENTS : 1. Union of India, Ministry of Labour Through the Asst. Labour Commissioner (C), Dayalband, Bilaspur.

2. The Presiding Officer, Labour Court, Bilaspur (C.G.).

R/C Shri Yadav 5/11/04
Clerk to Shri
Senior Central Government Standing Counsel
CHHATTISGARH HIGH COURT

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

(80)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 3710 **सन्** 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	03/02/2005 Shri P.S.Koshy, learned counsel for the petitioner. Shri R.Pradhan, learned counsel for respondent No.1/Union of India, on advance copy. Heard on I.A. No. 7723/2004 which is an application for urgent hearing. The matter is taken up on Board. Hence, I.A. No. 7723/2004 stands disposed of. Heard on admission. Petitioner-SECL has filed this petition for dismissal of the complaint of respondent No.1 filed before the Labour Court, Bilaspur holding it to be devoid of merits. A prayer has also been made that the Court below should be directed to decide the application/objection filed vide Annexure P-4 first which is in relation to the maintainability of the complaint and thereafter proceed with the matter. The petitioner has also prayed that the warrant of arrest issued against Shri S.N.Ghosh, Chief General Manager, Raigarh area, vide order dated 14/09/2004 be cancelled. It appears that on a complaint being filed by respondent No.1, the Labour Court took cognizance in the matter and issued notice to the said employee of the company. The order sheet dated 21/01/2004 reveals that Shri Koshy filed his memo of appearance and has also filed an application for exemption from personal appearance of the said employee on the said date. The application was allowed and it	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 3710 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

was directed that on the next date of hearing, bail bond should be furnished. Thereafter the case was fixed on 15/06/2004, but the Presiding Officer of the Court was on leave. Then the matter was again fixed on 23/07/2004. On this date the matter was re-fixed for 14/09/2004 for filing of the bail bond. On 14/09/2004, the complainant as well as the non-applicant, Shri Ghosh were not present and on this date warrant of arrest has been issued against Shri Ghosh.

Learned counsel appearing for the petitioner submits that in fact the proceeding before the Labour Court was not maintainable and an objection vide Annexure P-4 was filed and the Labour Court was not justified in keeping this objection in abeyance and in issuing warrant of arrest against Shri Ghosh.

It is pertinent to mention this fact that though the matter relates to a complaint filed before the Labour Court and Shri Ghosh is defending the complaint, but the present petition has been filed by the company i.e. the employer of Shri Ghosh. Shri Ghosh has not filed any petition against the impugned order of issuance of warrant against him nor the earlier orders regarding issuance of notice or taking of cognizance or direction to file bail bond have been challenged by him or the Company.

Presently, this court, dealing under Article 227 of the Constitution, is not concerned with the technicalities of the matter. The grievance seems to be regarding non-deciding of objection and issuance of warrant by the concerned Court.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 3710 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	After perusal of t he records filed along with this writ petition, it appears that in the complaint case, said Shri Ghosh, after causing his appearance through the counsel did not furnish bail bond as per order of the Court and remained absent on subsequent dates of hearing and then only the warrant of arrest has been issued against him. Ends of justice would be served if a date is given for his appearance before the Court below and on the said date he would file bail bond as per order dated 21/01/2004. It is directed that the said employee shall appear before the concerned Court on the next date fixed by the Labour Court and shall furnish bail bond in accordance with the order dated 21/01/2004. The Labour Court shall accept the bail bond and shall proceed further in the matter by fixing the case first for hearing on preliminary objection filed vide Annexure P-4 on 21/01/2004. regarding maintainability of the complaint. Till then, warrant of arrest, if any, issued against the employee shall be kept in abeyance. With the said directions, the petition stands finally disposed of. Consequently, M.W.P. No.4139/2004 stands disposed of. Certified copy as per rules.	Sd/- Sunil Kumar Sinha Judge

Brajesh.

1.2.05 9.2.05 13/1/10